

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Courts
Southern District of Texas
FILED
APR 03 2019
David J. Bradley, Clerk of CourtIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)info assoc. with URL: pornopotamus90.tumblr.com, user
name: pornopotamus90 and/or email: mas.40290@gmail.
com stored at premises controlled by Tumblr, Inc.

Case No.

G-19-055

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
See Attachment A.located in the Southern District of New York, there is now concealed (identify the person or describe the property to be seized):
See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
2251(a), 2252(a) et seq.	Possession, Receipt, Distribution of Child Pornography

The application is based on these facts:

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

DeWayne Lewis
Applicant's signatureDeWayne Lewis, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 4-3-19

City and state: Galveston, Texas

Andrew M. Edison
Judge's signatureAndrew M. Edison, United States Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
TUMBLR SCREEN/USER NAME:
pornopotamus90, PROFILE URL:
pornopotamus90.tumblr.com AND/OR
EMAIL ADDRESS mas.40290@gmail.com
THAT IS STORED AT PREMISES
CONTROLLED BY TUMBLR, INC.

Case No. _____

G - 19 - 055

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, DeWayne Lewis, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with certain accounts that is stored at premises owned, maintained, controlled, or operated by Tumblr, Inc., a company headquartered at 35 East 21st Street, New York, New York 10010. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Tumblr, Inc. to disclose to the government copies of the information (including the content of communications) further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, a government-authorized person will review that information to locate the items described in Section II of Attachment B.

2. I am a Special Agent (SA) with the Department of Homeland Security, Immigration and Customs Enforcement (ICE), assigned to the Homeland Security Investigations (HSI) office in Galveston, Texas. I have been so employed since June 2002. As part of my duties as an ICE agent, I

investigate criminal violations related to child exploitation and child pornography, including violations pertaining to online extortion and/or stalking, adults attempting to meet with juveniles for sexual encounters and the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2252 and 2252A. I have received training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256)¹ in all forms of media, including computer media. I have participated in the execution of numerous search warrants and covert operations involving child exploitation and the online solicitation of minors, many of which involved child exploitation and/or child pornography offenses. I am in routine contact with experts in the field of computers, computer forensics, and Internet investigations. I annually attend the Dallas Crimes Against Children Conference where I attain various investigative training. I am currently a member of the Houston Metro Internet Crimes Against Children Task Force. This task force includes prosecutors and members of multiple police agencies across the southeast/coastal Texas and Houston metro regions.

3. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18 U.S.C. §§ 2252(a)(4)(B) and 2252A(a)(5)(B), et seq.,

¹ “Child Pornography means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where – (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; . . . [or] (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.” For conduct occurring after April 30, 2003, the definition also includes “(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from that of a minor engaging in sexually explicit conduct,” 18 U.S.C. § 2256(8).

which make it a crime to possess child pornography, violations of Title 18 U.S.C. §§ 2252(a)(2) and 2252A(a)(2), et seq., which make it a crime to receive/distribute child pornography in interstate commerce by computer, and violations of 18 U.S.C. §§ 2252(a)(1) and 2252A(a)(1), et seq., which make it a crime to transport or ship child pornography in interstate commerce have been committed by the customer using Tumblr screen name pornopotamus90 and the associated email address mas.40290@gmail.com. There is also probable cause to search the information described in Attachment A for evidence, contraband, instrumentalities and/or fruits of these crimes, as described in Attachment B.

BLOG

5. “Blog” is the shortened expression for “web-log,” or weblog. A blog most often refers to a website containing a writer's, or group of writers,' own experiences, observations and/or opinions. They often have images and links to other websites. A blog can also refer to a single entry or posted message on such a website. Wikipedia describes a “blog” as a discussion or informational website published on the World Wide Web consisting of discrete, often informal, diary-style text entries, which are referred to as “posts.” Posts are typically displayed in reverse chronological order, so that the most recent post appears first, at the top of the web page.

TUMBLR

6. Tumblr offers a popular format for “bloggers” to create and manage their own blog. Tumblr’s webpage state’s the following, “Tumblr is so easy to use that it’s hard to explain. We made it really, really simple for people to make a blog and put whatever they want on it. Stories, photos, GIFs, TV shows, links, quips, dumb jokes, smart jokes, Spotify tracks, mp3s, videos, fashion, art, deep stuff. Tumblr is 424 million different blogs, filled with literally whatever.”

7. Upon creating a Tumblr account, a Tumblr user must create a unique Tumblr screen/user name and an account password. This information is collected and maintained by Tumblr. Tumblr asks users to provide basic identity and contact information upon registration and allows users to provide additional identity information for their account. This information may include the user's name, email addresses, and phone numbers, as well as potentially other personal information provided directly by the user to Tumblr. Once an account is created, users may also adjust various privacy and account settings for the account.

8. Tumblr also allows users to "follow" another user's blog, which means that they receive updates about posts made by the other user. Users may also "unfollow" users, that is, stop following them or block them, which prevents the blocked user from following that user. Tumblr users may "like" a post, "reblog" a post, reply to a post, or "follow" a blog. Records of such actions may be kept by Tumblr.

9. For each user, Tumblr also collects and retains information, called "log file" information, when a user requests access to Tumblr, whether through a web page or through an application ("app"). Among the log file information that Tumblr's servers automatically record is any IP address associated with the request. Tumblr also collects and records information about a user's web browser when the user interacts with its services, such as browser type and version, device type, operating system and version, language preference, the website or service that referred the user to the Tumblr service, the date and time of each request made to the service, screen display information, and information from any cookies that have been placed on the browser. Tumblr may also detect whether a user is using certain web browser extensions and store that information associated with an account.

10. Tumblr collects information about content posted to Tumblr blogs, including information describing a camera, camera settings, or EXIF data. Records of such information may be kept by Tumblr.

Tumblr also collects information on the particular devices used to access Tumblr. Tumblr may record “device identifiers,” which include data files and other information that may identify the particular electronic device that was used to access Tumblr. Tumblr sometimes collects and stores information about where a user is located, such as by converting an IP address into a rough geolocation, or may ask a user to provide information about the user’s location, for example to use geolocation information from a mobile device to “geotag” a post. Those “geotags” mark the location of a photo and may include latitude and longitude information, comments on photos, and other information. Tumblr also may communicate with the user, by email or otherwise. Such communications may be preserved by Tumblr.

11. As explained herein, information stored in connection with a Tumblr account may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or, alternatively, to exclude the innocent from further suspicion. In my training and experience, a Tumblr user’s account activity, IP log, stored electronic communications, and other data retained by Tumblr can indicate who has used or controlled the Tumblr account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, profile contact information, messaging logs, photos and videos (and the data associated with the foregoing, such as EXIF data, geolocation, date and time) may be evidence of who used or controlled the Tumblr account at a relevant time. Further, Tumblr account activity can show how and when the account was accessed or used. For example, as described herein, Tumblr logs the IP addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access, use, and events relating to the crimes under investigation. Last, Tumblr account activity may provide relevant insight into the Tumblr account user’s state of mind as it relates to the offenses under

investigation. For example, information on the Tumblr account may indicate the user's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime) or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

PROBABLE CAUSE

12. The Houston Metro Internet Crimes Against Children (ICAC) task force received information about suspicious activity from an internet/social media company named Tumblr, Inc (hereafter "Tumblr"). Tumblr reported to the National Center for Missing and Exploited Children (NCMEC) on May 17, 2018, that someone was using their internet services to publicly post nude images of children via the internet. Tumblr viewed and provided 12 files to NCMEC that depicted the images the suspect was posting publicly via his blog on URL: pornopotamus90.tumblr.com in violation of Tumblr's terms and conditions. The report was forwarded to the Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigation (HSI) office in Galveston, Texas. HSI Special Agent DeWayne Lewis received and reviewed the report, including the images.

13. One of the images fit the federal definition of child pornography. Its title and description are listed below, in part:

173979685110_0.jpg was a color photo in a bedroom setting that depicted two male Caucasian minors approximately 5-7 years old. One minor was nude and seated on the bed facing the other minor as he stood next to the bed wearing a red shirt and glasses. The standing minor fondled the nude, seated minor's erect penis for the camera's view.

One close-up image depicted two Caucasian males, whose age could not be estimated, engaged in oral sex. The ten other images fit the definition of child erotica (see paragraph 18), one of which is described below, in part:

173878964392.jpg was a color photo in an outdoor setting that depicted a Caucasian minor approximately 5-6 years old that had lifted up his black shirt, reached down with his tongue and was licking his exposed left nipple for the camera's view.

Tumblr's terms and conditions state, in part: "Harm to Minors: Be thoughtful when posting anything involving a minor. Don't post or solicit anything relating to minors that is sexually suggestive or violent."

The images that the user posted in his blog were, on their face, nude images of minors of various ages, including prepubescent. At least one of which fit the federal definition of child pornography. The customer information associated with the account was, in part:

Email address:	mas.40290@gmail.com
Screen/User Name:	pornopotamus90
Profile URL:	pornopotamus90.tumblr.com
IP Address:	2601:2c2:4300:2636:39fb:e35a:96c5:7d30

Characteristics Common to Individuals with a Sexual Interest in Children

14. Based upon my own knowledge, experience, and training in child exploitation and child pornography investigations, and the training and experience of other law enforcement officers with whom I have had discussions, there are certain characteristics common to individuals involved in the sexual exploitation of children which includes the distribution, receipt, possession and collection of child pornography:

15. Individuals with a sexual interest in children receive sexual gratification, stimulation, and satisfaction from contact with children, or from fantasies they may have viewing children engaged in sexual activity or in sexually suggestive poses, such as in person, in photographs, or other visual media, or from literature describing such activity.

16. Individuals with a sexual interest in children collect sexually explicit or suggestive

materials, in a variety of media, including photographs, magazines, motion pictures, videotapes, books, slides and/or drawings or other visual media. Individuals with a sexual interest in children oftentimes use these materials for their own sexual arousal and gratification. Further, they may use these materials to lower, or “groom,” the inhibitions of children they are attempting to seduce, to arouse the selected child partner, or to demonstrate the desired sexual acts.

17. Individuals with a sexual interest in children almost always possess and maintain their “hard copies” of child pornographic material, that is, their pictures, films, video tapes, magazines, negatives, photographs, correspondence, mailing lists, books, tape recordings, etc., in the privacy and security of their home, email account or in “virtual” storage, like in the iCloud or Dropbox.com. Individuals with a sexual interest in children typically retain pictures, films, photographs, negatives, magazines, correspondence, books, tape recordings, mailing lists, child erotica, and videotapes for many years.

18. “Child erotica,” as used in this Affidavit, is defined as materials or items that are sexually arousing to certain individuals but which are not in and of themselves obscene or do not necessarily depict minors in sexually explicit poses or positions. Such material may include non-sexually explicit photographs (such as minors depicted in undergarments in department store catalogs or advertising circulars), drawings, or sketches, written descriptions/stories, or journals.

19. Likewise, Individuals with a sexual interest in children often maintain their collections that are in a digital or electronic format in a safe, secure and private environment, such as a computer and surrounding area or “virtual” storage. These collections are often maintained for several years and are kept close by, or remotely accessible, usually at, or via, the collector’s residence, to enable the collector to view his collection, which is highly valued.

20. Individuals with a sexual interest in children also may correspond with and/or meet others

to share information and materials; rarely destroy correspondence from other child pornography distributors/collectors; conceal such correspondence as they do their sexually explicit material; and often maintain lists of names, addresses, and telephone numbers of individuals with whom they have been in contact and who share the same interests in sex with children or child pornography.

21. Individuals with a sexual interest in children prefer not to be without their child pornography, or prohibited from its' access, for any prolonged time period. This behavior has been documented by law enforcement officers involved in the investigation of child pornography throughout the world.

22. Individuals with a sexual interest in children often have had, or continue to maintain, multiple email and social media accounts. It is common for such individuals to control multiple email addresses in their attempts to remain anonymous or thwart law enforcement's efforts to investigate their illicit activity. Some individuals will create an account to imply that they are of a different age or sex depending on what their online intentions are, or to pose as a person a potential victim already knows. Some individuals with a sexual interest in children will open multiple accounts, whether they be for email, social media or remote storage, with common denominators that can be identified by the host company that operates that medium. For example, a person with a sexual interest in children may create and maintain several different email accounts, but use the same email address as a "recovery" or "verifier" email account. Those individuals will use the same technique for new social media, email or virtual storage accounts when their original ones are compromised or shut down.

23. Individuals with a sexual interest in children often maintain contact information from their trusted sources or like-minded individuals. They also block, cancel or "unfriend," contacts that they perceive pose a threat to their illegal activity or have not maintained good standing. For example, another individual with a sexual interest in children, but preferred children of a different age range or ethnicity,

might be blocked by the other. They may also block a person who threatens to contact a parent or the police about their online activity. Likewise, a victim of coercion, enticement and/or sexual exploitation may block a suspect who is attempting to further victimize them.

24. Based upon my training, knowledge and experience in investigations related to child exploitation and my conversations with other law enforcement officers who have engaged in numerous investigations involving child pornography and exploitation, I am aware that individuals who access paid subscription or free sites offering images and/or videos depicting child pornography do so for the purpose of downloading or saving these images to their hard drive or other storage media so that the images and videos can be added to their collection. I know that individuals involved in the distribution of child pornography also continue to obtain images of child pornography found elsewhere on the Internet such as newsgroups and websites, and via paid subscriptions, as well as their own “trophy photos” of sexual conquests involving the exploitation of children.

25. Additionally, based upon my training, knowledge and experience in investigations related to child exploitation and child pornography cases, I am aware that individuals who have a sexual interest in children will oftentimes have a collection of child pornography and will ask children to take and send naked images of the themselves that would constitute child pornography as well as child erotica.

26. Furthermore, based upon my training, knowledge and experience in investigations related to child exploitation and child pornography cases, I am aware that individuals who have a sexual interest in children will oftentimes utilize social media such as Yahoo! Messenger, KIK Messenger and Craigslist and other online services to meet and communicate with minors. Individuals with a sexual interest in children know that social media allows for seemingly anonymous communication which they can then use to groom the minors and set up meetings in order to sexually exploit them.

COMPUTERS AND CHILD PORNOGRAPHY

27. Based upon my knowledge, training, and experience in child exploitation and child pornography investigations, and the experience and training of other law enforcement officers with whom I have had discussions, computers and computer technology (including advances in smartphones, tablets and internet connectivity) have revolutionized the way in which children are exploited and how child pornography is produced, distributed, and utilized. Advancements in cellular telephone technology and mobile applications have furthered those revolutionary methods of exploitation.

28. Cellular telephones are routinely connected to computers to re-charge the batteries and synchronize the mobile telephone with their matching computer programs, or “applications,” on the computer. Cellular telephones are connected to the user’s computer to transfer, save or back-up files or to download files, programs or “applications” via the internet, as one would do for music or ring tones. Users connect their cellular telephones to their computer to save, or back-up, their content or upload those files via the internet to a virtual storage medium like the iCloud or Dropbox, which allow users to access that content from any device with internet access, including their mobile devices (cellular phones or tablets) or another computer. Users can also download programs to their computers that mimic, or operate as if they are using, applications on their cellular telephone. Some of those examples include “iPadian,” “Andy,” and “BlueStacks.” People with a sexual interest in children have embraced these technologies in their efforts to exploit children, conceal their true identities, misdirect investigators, hide evidence and communicate with others with the same interests.

29. Technologies for portable cellular telephones, their batteries, internet connectivity and quick-charge devices have also greatly advanced. Today’s vehicles often advertise built-in options for internet connectivity. In early 2013, General Motors announced it would partner with AT&T to outfit most of its 2014 models with high-speed data connectivity, with those same options available from

Chrysler, Audi and Ford. These portable devices are commonly stored and used in vehicles and derive their power from being plugged in to cigarette lighters or auxiliary power outlets. Other portable navigation devices, like the Garmin or TomTom, provide turn-by-turn directions to previously unknown locations when the user inputs the desired address or destination and are commonly kept or stored in the user's vehicle. Many modern vehicles are equipped with satellite navigation from the factory. Modern computer technology in today's vehicles can navigate you to your destination, synchronize your cellular telephone to the on-board monitor for hands-free use and adjust radio and environmental controls by responding to voice-activated commands. The suspects' vehicles have increasingly become mobile storage places for evidence like the satellite navigation devices, laptops or storage media concealed from other household members. They also can hold other evidence linked to their travel for contact with like-minded adults and sexually exploited minors; like gasoline, toll booth and parking receipts or traffic tickets.

30. Prior to the advent of computers and the internet, child pornography was produced using cameras and film, resulting in either still photographs or movies. The photographs required darkroom facilities and a significant amount of skill in order to develop and reproduce the images. As a result, there were definable costs involved with the production of images. To distribute these images on any scale also required significant resources. The distribution of these wares was accomplished through a combination of personal contacts, mailings, and telephone calls, and compensation for these wares would follow the same paths. More recently, through the use of computer technology and the Internet, producers, collectors and distributors of child pornography can instantly and remotely upload images into virtual storage, like in the iCloud or Dropbox, allowing them to operate almost anonymously.

31. In addition, based upon my own knowledge, training, and experience in child exploitation and child pornography investigations, and the experience and training of other law enforcement officers

with whom I have had discussions, the development of computers (including cellular telephones) and wi-fi technology has also revolutionized the way in which those who seek child pornography are able to obtain this information. Computers, and the modern “smartphone,” allow simplified, often anonymous communication with persons far-removed from the solicitor. They can communicate with others with similar interests or where laws against sex with children are more lax or less enforced. They can also communicate directly with minor victims in a safe environment believing that their communications are anonymous. Computers also serve four basic functions in connection with child pornography: production, communication, distribution, and storage. More specifically, the development and advancement of computers and internet technology has changed the methods used by those who seek to sexually exploit children and obtain access to child pornography in these ways.

32. Producers of child pornography can now produce both still and moving images directly from a common video or digital camera, including cameras contained in the latest smartphones. A digital camera can be attached, using a device such as a cable, or digital images are often uploaded from the camera’s memory card, directly to the computer. Images can then be stored, manipulated, transferred, or printed directly from the computer. Images can be edited in ways similar to how a photograph may be altered. Images can be lightened, darkened, cropped, or otherwise manipulated. The producers of child pornography can also use a device known as a scanner to transfer photographs into a computer-readable format. As a result of this technology, it is relatively inexpensive and technically easy to produce, store, and distribute child pornography. In addition, there is an added benefit to the pornographer in that this method of production does not leave as large a trail for law enforcement to follow.

33. The Internet allows any computer to connect to another computer. By connecting to a host computer, electronic contact can be made to literally millions of computers around the world. A host computer is one that is attached to a network and serves many users. Host computers are sometimes

operated by commercial ISPs, such as Comcast, AT&T and America Online (“AOL”), which allow subscribers to dial a local number or otherwise directly connect to a network, which is, in turn, connected to the host systems. Host computers, including ISPs, allow e-mail service between subscribers and sometimes between their own subscribers and those of other networks. In addition, these service providers act as a gateway for their subscribers to the Internet or the World Wide Web.

34. The Internet allows users, while still maintaining anonymity, to easily locate (i) other individuals with similar interests in sex with children or child pornography; and (ii) websites that offer images of child pornography. Like-minded individuals with a sexual interest in children and victims of child exploitation, as well as witnesses to online exploitation, can be identified through a person’s “contacts” lists, which may be termed in the form of “friends,” “contacts,” or “followers.” Those who seek to obtain images or videos of child pornography can use standard Internet connections, such as those provided by businesses, universities, and government agencies, to communicate with each other and to distribute or receive child pornography. These communication links allow contacts around the world as easily as calling next door. Additionally, these communications can be quick, relatively secure, and as anonymous as desired. All of these advantages, which promote anonymity for both the distributor and recipient, are well known and are the foundation of transactions involving those who wish to gain access to child pornography over the Internet. Sometimes, the only way to identify both parties and verify the transportation of child pornography over the Internet is to examine the recipient’s computer, including the Internet history and cache to look for “footprints” or “relics” of the websites and images accessed by the recipient.

35. The computer’s capability to store images in digital form makes it an ideal repository for child pornography. A single compact disk can store thousands of images and pages of text. The size of the electronic storage media (commonly referred to as a hard drive) used in home computers has grown

tremendously within the last several years. Hard drives with the capacity of 500 gigabytes and larger are not uncommon. These drives can store thousands of images at very high resolution. Magnetic storage located in host computers adds another dimension to the equation. It is possible to use a video camera to capture an image, process that image in a computer with a video capture board, and save that image to storage in another country. Once this is done, there is no readily apparent evidence at the “scene of the crime.” Only with careful laboratory examination of electronic storage devices is it possible to recreate the evidence trail.

36. Computer files or remnants of such files can be recovered months or even years after they have been downloaded onto a hard drive, deleted, or viewed via the Internet. Electronic files downloaded to a hard drive can be stored for years at little to no cost. Even when such files have been deleted, they can be recovered months or years later using readily available forensic tools. When a person “deletes” a file on a computer, the data contained in the file does not actually disappear; rather, that data remains on the hard drive until it is overwritten by new data. Therefore, deleted files, or remnants of deleted files, may reside in free space or slack space – that is - in space on the hard drive that is not allocated to an active file or that is unused after a file has been allocated to a set block of storage space – for long periods of time before they are overwritten. In addition, a computer’s operating system may also keep a record of deleted data in a “swap” or “recovery” file. Similarly, files that have been viewed via the Internet are automatically downloaded into a temporary Internet directory or cache. The browser typically maintains a fixed amount of hard drive space devoted to these files, and the files are only overwritten as they are replaced with more recently viewed Internet pages. Thus, the ability to retrieve residue of an electronic file from a hard drive depends less on when the file was downloaded or viewed than on a particular user’s operating system, storage capacity, and computer habits.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

37. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Tumblr, Inc. to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

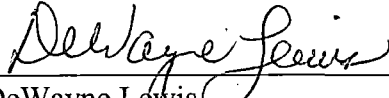
CONCLUSION

38. Based on the forgoing, I submit that there exists probable cause to believe that the Tumblr account associated with the screen/user name pornopotamus90 stored at premises owned, maintained, controlled, or operated by Tumblr, contains evidence of violations of 18 U.S.C. §§ 2252 and 2252A, and therefore respectfully request that a warrant issue for the search of the account described in Attachment A, for the search and seizure of the items more fully described in Attachment B and request that the Court issue the proposed search warrant. Because the warrant will be served on Tumblr, Inc., who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

39. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction,” as defined by 18 U.S.C. § 2711, 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A). Specifically, the Court “a district court of the United States . . . that – has jurisdiction over the offense being investigated.”

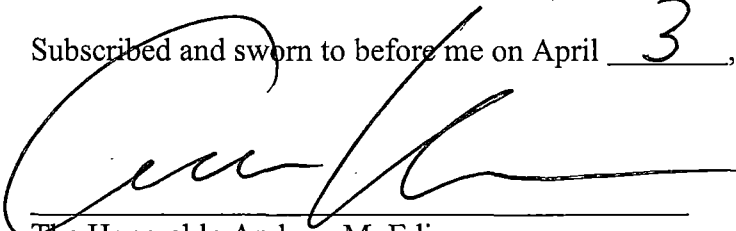
40. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

Respectfully submitted,



DeWayne Lewis
Special Agent
DHS/ICE/Homeland Security Investigations

Subscribed and sworn to before me on April 3, 2019



The Honorable Andrew M. Edison
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Tumblr screen/user name: pornopotamus90, profile URL: pornopotamus90.tumblr.com and/or email address: mas.40290@gmail.com from the date of its creation through to the present that is stored at premises owned, maintained, controlled, or operated by Tumblr, Inc., a company headquartered at 35 East 21st Street, New York, New York 10010.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Tumblr, Inc. (“Tumblr”)

To the extent that the information described in Attachment A, from the date of creation through to the present, is within the possession, custody, or control of Tumblr, including any messages, records, files, logs, or information that have been deleted but are still available to Tumblr, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Tumblr is required to disclose the following information to the government for each account listed in Attachment A:

- a. Any and all content and other data from pornopotamus90’s blog, including any archived blog contents and data;
- b. Any and all identity and contact information, including full name, email address, physical address (including city, state, and zip code), date of birth, phone numbers, gender, hometown, occupation, and other personal identifiers;
- c. Any and all past and current usernames associated with the account(s);
- d. The dates and times at which the accounts and profiles were created, and IP address at the time of sign-up;
- e. Any and all activity logs, to include IP logs, and those associated with user posts, and other logs or documents showing the IP address, date, and time of each login to the accounts, as well as any other log file information;
- f. Any and all information regarding the particular device or devices used to login to or access the accounts, including all device identifier information or cookie information, including all information about the particular device or devices used to access the accounts and the date and time of those accesses;

- g. All data and information associated with the profile page, including photographs, “bios,” and profile backgrounds and themes;
- h. All communications or other messages sent or received by the user’s accounts, including “messaging logs” and the content of messages;
- i. All user content created, uploaded, or shared by the accounts;
- j. All photographs, images, gifs or videos associated with the accounts;
- k. All exchangeable image file format (EXIF) data, camera, and camera settings information for all images associated with the accounts;
- l. All location data associated with the accounts and any photos or videos associated with the accounts, including geotags;
- m. All data and information that has been deleted by the user;
- n. A list of all of the accounts that the user followed, liked, or replied to on Tumblr, and all people who followed, liked, or replied to the user, as well as any friends of the user;
- o. A list of all users that the accounts have “unfollowed” or blocked;
- p. All privacy and accounts settings;
- q. All records of searches performed by the accounts, including all past searches saved by the accounts;
- r. Any and all information about connections between the accounts and third-party websites and applications; and
- s. All records pertaining to communications between Tumblr and any person regarding the user or the user’s Tumblr accounts, including contacts with support services, and all records of actions taken, including suspensions of the accounts, including email notifications.

II. Information to be seized by the government

All information described above in Section I from the date of its creation through to the present, that constitutes fruits, contraband, evidence, or instrumentalities of violations of 18 U.S.C. §§ 2252, and 2252A

involving the user or users of the accounts identified in Attachment A, including, for each user name identified on Attachment A, information pertaining to the following matters:

- (a) Images and videos depicting minors engaged in sexually explicit conduct;
- (b) Drawings, cartoons or paintings depicting minors engaged in sexually explicit conduct and which are obscene;
- (c) Evidence indicating how and when the Tumblr accounts were accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crimes under investigation and to the Tumblr accounts owner or user;
- (d) Evidence indicating the Tumblr accounts owner's or user's state of mind as it relates to the crimes under investigation;
- (e) The identity of the person(s) who created or used the accounts, including records that help reveal the whereabouts of such person(s); and
- (f) The identity of the person(s) who communicated with the accounts' users about matters relating to child pornography, including records that help reveal their whereabouts.

III. Method of Delivery

Tumblr shall disclose items seized pursuant to this search warrant by sending (notwithstanding Title 18, United States Code, Section 2252A, or similar statute or code) to the listed Special Agent. Tumblr shall disclose responsive data, if any, by delivering on any digital media device via the United States Postal Service or commercial interstate carrier c/o Special Agent DeWayne Lewis, Homeland Security Investigations, 601 Rosenberg Avenue, Suite 201, Galveston, Texas 77550.